

Federal Pretrial Risk Assessment

Scoring Guide

Office of Probation and Pretrial Services

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INTRODUCTION

The Federal Pretrial Risk Assessment (PTRA) was developed by OPPS staff using data collected through the PACTS system and initially analyzed as part of a larger project. The PTRA is an objective, quantifiable instrument that provides a consistent and valid method of predicting risk of failure-to-appear (FTA), new criminal arrest (NCA), and technical violations (TV) leading to revocation while on pretrial release.

The instrument is comprised of 11 scored items that are divided into two domains or categories: criminal history and other. The criminal history items are static and will not likely change during the pretrial period. The "other" items are changeable and might show some movement based on pretrial supervision and services.

Scoring for the items on the PTRA is a fairly straightforward process. The scored items are given a number of points (either 0, 1, or 2). The points from the items are then added up to give an overall score. When administered correctly, the PTRA provides a score that allows for classification into a risk category. Those risk categories are then associated with rates of FTA, NCA, and TVs.

This scoring guide is designed in a user-friendly format and provides the purpose behind each of the scoring items, potential prompters and sample questions, and scoring rules/issues.

The PTRA is configured as follows:

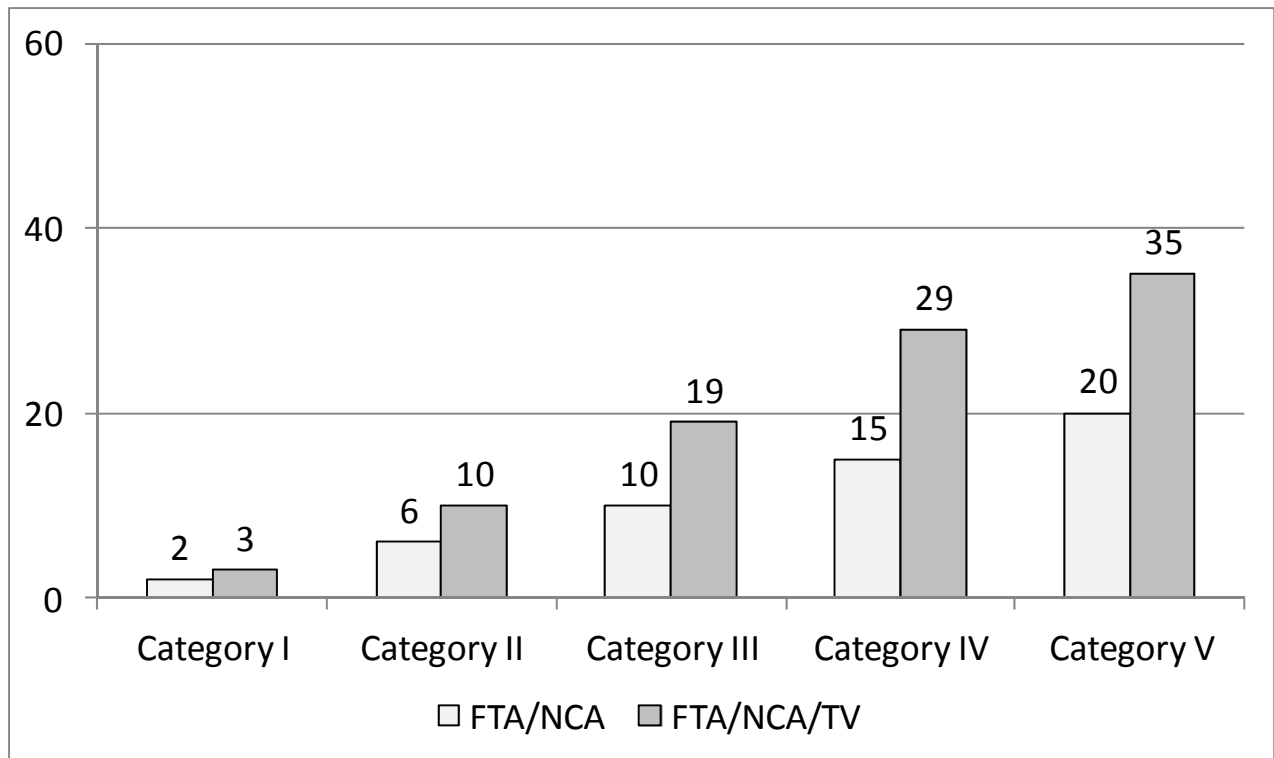
<u>Item #'s</u>	<u>Domain</u>	<u>Scored Items</u>
1.1-1.6	Criminal History	6
2.1-2.5	Other	5

TOTAL RISK SCORE

The total risk score is determined by adding up the points for each of the scored items. This score ranges from 0 to 14. The guidelines established based on initial analyses are as follows: 0-4—Category I, 5-6 Category II, 7-8 Category III, 9-10 Category IV, and 11+ Category V.

INTRODUCTION

The chart below displays the failure rates (FTA/NCA and FTA/NCA/TV) for each category of risk. As can be seen with each increase in risk category the probability of failure also increases. These failure rates were generated using data from the pretrial supervision period.



Criminal History Domain

#1.1

Domain: Criminal History

Item #1.1: Number of Felony Convictions

**Rate and
score**

Purpose of Item: Criminal history is a long-established predictor of future behavior. The versatility, stability & frequency of the criminal patterns are key factors in assessing the risk for recidivism. A more extensive history means a greater likelihood of future criminal behavior. Gathering information regarding how the criminal behavior interrelates with other risk factors will assist in determining interventions needed.

Sample Questions

This item can be scored from official records and should at least be verified by official records.

How many times have you been arrested for a felony offense?

How many times have you been convicted of a felony?

Interviewing Strategies

Some self-reported convictions might not show up on a record check. Be sure to gather information on these items and attempt to verify this information for scoring purposes.

Scoring Rules/Issues:

1. This information is based on the number of felony convictions.
2. Multiple counts of a conviction, resulting from one arrest date, should be counted as one conviction.
3. Be sure to accurately record the number of convictions and then code that number properly for scoring.
4. No prior felony convictions is given 0 points, 1 to 4 prior felony convictions is given 1 point, and five or more felony convictions is given 2 points.
5. Do not count juvenile arrests/convictions in this section.

#1.2

Domain: Criminal History

Item #1.2: Prior FTAs

Rate and
score

Purpose of Item: One of the best predictors of future behavior is past behavior. The number of prior FTAs allows for some assessment as to how likely this behavior is to occur in the future.

Sample Questions

This item can be scored from official records. Response from defendants should be verified by official records.

How many times have you been arrested?

How many times have you had to appear in court?

Have you ever missed any of those court proceedings?

Why?

Where charges filed?

Interviewing Strategies

Ask the defendant about court proceedings for criminal cases.

Determine if any criminal proceedings have been missed by the defendant.

Attempt to verify self-reported FTAs.

Scoring Rules/Issues:

1. Count and code the number of times the defendant has failed to appear for a criminal proceeding.
2. Do not include FTAs for traffic summons, only count FTAs for misdemeanor and felony charges.
3. No prior FTAs is given zero (0) points, 1 prior FTA is given one (1) point, and 2 or more prior FTAs is given two (2) points. FTA scoring does not require a conviction.

#1.3

Domain: Criminal History

Item #1.3: Pending Felonies and Misdemeanors

Rate and
score

Purpose of Item: Pending charges might increase a defendant's flight risk and/or be indicative of a person that has difficulties while under criminal justice system supervision.

Sample Questions

Do you have any criminal cases besides this one that are not closed?

How many are for felony charges?

How many are for misdemeanor charges?

What were you charged with?

Are you on any type of supervision for those cases?

Interviewing Strategies

Make sure to gather information on non-federal charges as well as pending federal charges. This should not include the instant offense.

Scoring Rules/Issues:

1. No pending cases is given zero (0) points, one or more pending cases is given one (1) point.
2. A probation violation is not be counted as a pending matter.
3. When the current underlying federal charge, is the same as the state/local offense, do not count the state/local offense as a pending matter.
4. If a defendant is convicted it is not considered a pending matter.
5. For traffic violations, only count those at a misdemeanor or higher offense level.

#1.4

Domain: Criminal History

Item #1.4: Current offense type

Rate and
score

Purpose of Item: The type of offense was found to have a statistically significant relationship with outcomes of interest during the pretrial services stage.

Sample Questions

This information should be taken directly from official records.

Interviewing Strategies

N/A

Scoring Rules/Issues:

1. If the most serious charge is for a drug offense, firearms offense, or immigration charge assess one (1) point.
2. Theft/fraud, violent, and other types of offenses are assessed zero (0) points.
3. This item is based on the current federal charges only.

Theft	Drug	Firearms	Immigration	Violent	Other
Auto theft	Cocaine	Firearms	Immigration	Assault	Absconded
Burglary	Crack			Homicide	Drunkenness
Counterfeiting	Heroin			Kidnapping	DUI
Embezzlement	Marijuana			Rape- force	DWI
Forgery	Methamphetamine			Robbery	Escape
Fraud	Opiate			Sex offense	Federal Statutes
Larceny/theft	Other Drug			Simple assault	FTA
Mail fraud					Gambling
Mail theft					General violation
Petty theft					Income tax
Racketeering					Liquor (tax)
Transportation of stolen property					Non-payment of financial penalties
					Misdemeanor
					Misprison of a felony
					Miscellaneous
					Other minor violation offense
					Perjury
					Technical, violation of supervision conditions
					Traffic violation
					Cyber crime (non-sexual)

#1.5**Domain: Criminal History****Item #1.5: Offense class****Rate and
score**

Purpose of Item: The class of offense was found to have a statistically significant relationship with outcomes of interest during the pretrial services stage.

Sample Questions

This information should be taken directly from official records.

Interviewing Strategies

N/A

Scoring Rules/Issues:

1. Base this item on the current federal charges only.
2. If there is more than one pending federal charge consider the most serious when scoring this item.
3. Those defendant's charged with a felony are assessed one (1) point. Those charged with a misdemeanor are assessed zero (0) points.

#1.6**Domain: Criminal History****Item #1.6:** Age at interview**Rate and
score**

Purpose of Item: The relationship between age and criminal behavior is well documented. This item assesses points based on the defendant's age at the time of the interview or when the information to score the assessment is collected.

Sample Questions

This information should be taken directly from official records.

Interviewing Strategies

N/A

Scoring Rules/Issues:

1. Calculate the defendant's age on the date of interview or when the information to score this assessment is collected.
2. Calculate age in years. If the defendant is in between years begin rounding up at .5 years. So if a defendant is 22.50 years old he would be considered 23 years old and would be assigned two points for this item.
1. If the defendant is 26 or younger then two (2) points are assessed, one (1) point is assessed for defendants age 27 to 46, and zero (0) points are assessed for defendants 47 or older.

Other Domain

☐ Employment

☐ Residence

☐ Citizenship

☐ Education

☐ Substance Abuse

#2.1

Domain: Other-Education

Item #2.1: Highest Education

Rate and
score

Purpose of Item: Overall academic achievement is related to pretrial outcomes.

Sample Questions

Tell me about your education experiences.
Tell me about any additional job training you've completed.
How far did you go in school?
What was the last grade you finished?
Tell me about the circumstances that contributed to you not finishing school?

Interviewing Strategies

Establish overall academic achievement.
Explore defendant's motivation for terminating school when they did.

Scoring Rules/Issues:

1. If the defendant has completed less than a high-school degree assess two (2) points.
2. If the defendant has a GED assess two (2) points.
3. If the defendant has a GED plus a further degree, some college, or vocational training certificates assess one (1) point.
4. If the defendant has a high school degree, vocational training , or some college assess one (1) point.
5. If the defendant has a college degree do not assess any points.

#2.2

Domain: Other-Employment

Item #2.2: Employment Status

Rate and score

Purpose of Item: Employment is an important activity for a number of reasons. Not only does it provide us with legitimate means to meet financial needs, it exposes us to prosocial others, provides us rewards for engaging in prosocial behavior, and occupies free time in a prosocial and structured way.

Sample Questions

Are you currently working?
If no: How do you support yourself while unemployed?
What was your reason for leaving your last job?
If yes: Tell me where you are working.
How long have you worked there?
Tell me about the type of work you do.
Where did you work before that?

Interviewing Strategies

Explore type of job and number of hours per week. If not employed, check if defendant is a full time student.
Seek information about the *quality* of the defendant's performance, ability to get along with others in frequent contact or in positions of authority.

Scoring Rules/Issues:

1. Defendant is considered unemployed (score 1 point) if s/he is capable of working but is not working even if he or she is otherwise productively occupied.
2. Students and homemakers are not considered employed or unemployed but are still assessed one (1) point.
3. Defendants that are retired but are capable of employment are assessed one (1) point based on the amount of unstructured free time the defendant has in order to commit an offense.
4. Defendants that are completely disabled and receiving benefits are assessed zero (0) points.
5. Full time and part time (20 hours per week or more) are considered employed and are assessed zero (0) points.
6. Defendants that receive public assistance and are working are considered employed and are assessed zero (0) points.
7. Please circle the item on the scoring sheet.

#2.3

Domain: Other-Residence

Item #2.3: Residence

**Rate and
score**

Purpose of Item: Lack of ties to the area, as measured by residential attachment, might relate to risk of FTA.

Sample Questions

Where do you live now?

Do you own that home, condo, etc.?

Interviewing Strategies

Determine if the defendant either owns or is purchasing a home.

This applies to current circumstances and not plans to purchase or buy.

Scoring Rules/Issues:

1. If the defendant does not own his/her home and is not purchasing it then assess one (1) point.

#2.4

Domain: Substance Abuse Problems

Item #2.4: Current Substance Abuse Problems

**Rate and
score**

Purpose of Item: Substance misuse facilitates or instigates criminal behavior. Drug use has been shown to increase risk for pretrial failure.

Sample Questions

Has your use caused disruptions at work, school, or home?

Have you ever been in treatment?

Do you use in physically hazardous situations: driving a motor vehicle; operating machinery; caring for children?

Do you have legal problems related to use?

Do you continue to use despite social/interpersonal problems related to use?

Interviewing Strategies

Be sure to keep conversation and questions current.

For defendants that have been in detention assess

Treatment

Triggers in community setting

Ability to remain substance free

Scoring Rules/Issues:

1. Score based on last 12 months. Consider the responses to items in sample questions.
2. If incarcerated less than 2 years evaluate for last 12 months in the community.
3. If incarcerated more than 2 years evaluate over past year in the institution but consider treatment and ability to deal with triggers and stressors. The defendant should be able to identify, in a concrete way, triggers and the skills they will use to cope with them.

#2.5

Domain: Other – Citizenship

Item #2.5: Citizenship

**Rate and
score**

Purpose of Item: Being a legal or illegal alien might be associated with ties to a foreign country and therefore an increase in FTA risk.

Sample Questions

What is your citizenship status?

Interviewing Strategies

Determine if the defendant is a U.S. Citizen, legal alien, or illegal alien.

Scoring Rules/Issues:

1. If the defendant is a legal or illegal alien assess one (1) point.
2. If the defendant is a U.S. or Naturalized citizen assess zero (0) points.

Missing Items

What to do if there are missing items?

Prorated Scoring: The PTRA score can be prorated based on the table below. Statistical analysis indicated that the PTRA score was still predictive when 4 or fewer scored items were missing. The prorated score is based on a calculation involving the data on scored/available items. This process is more accurate as assuming missing items are 0 potentially underestimates risk and assuming missing items potentially overestimates risk.

Officers should make every attempt to gather information on all items. If criminal history information is not available this instrument cannot be scored.

	← Number of Missing Items →			
Raw Score	1	2	3	4
0	0	0	0	0
1	1	1	1	2
2	2	2	3	3
3	3	4	4	5
4	4	5	6	6
5	6	6	7	8
6	7	7	8	10
7	8	8	10	11+
8	9	10	11+	11+
9	10	11+	11+	11+
10	11+	11+	11+	11+

To use the above chart find the raw score that you obtained in the left most column. Read along that row until you get to the column that indicates the number of items that are missing from the assessment. The number in the cell where the row and column intersect is the prorated score.

For example, an assessment with a raw score of 4 with 2 items missing would equal a prorated score of 5.